UTILITIES COMMISSION April 8, 2015

The regular meeting of the Baxter Utilities Commission was called to order at 5:00 p.m. by Chairman Rock Yliniemi.

MEMBERS PRESENT: Commissioners Shawn Crochet, Chairman Rock Yliniemi, and Council Liaison Mark Cross.

MEMBERS ABSENT: Commissioner Dave Franzen.

STAFF PRESENT: Public Works Director/City Engineer Trevor Walter and Administrative Assistant Mary Haugen.

OTHERS PRESENT: WSN Consulting Engineer Aric Welch, SEH Consulting Engineer Scott Hedlund and WSB Consulting Engineer Chuck Rickart.

APPROVAL OF MINUTES

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to approve the Utilities Commission minutes of March 4, 2015. Motion carried unanimously.

REVIEW OF BIDS FOR THE 2015 EXCELSIOR ROAD IMPROVEMENTS PROJECT

SEH Consulting Engineer Hedlund gave a brief review of the bids for the 2015 Excelsior Road Improvements Project. City Council awarded the project at the April 7th meeting since there were no written objections received at or prior to the assessment hearing.

The following three bids were received:

Anderson Brothers Construction Co.	\$2,475,909.04
Landwehr Construction	\$2,556,567.66
Tom's Backhoe Services	\$2,396.931.36
Engineer's Estimate	\$2,387,468.15

There were three errors in the Tom's Backhoe bid which changed the amount of his bid to \$2,579,868.36.

SEH Consulting Engineer Hedlund stated that a pre-construction meeting has been scheduled at the end of April. Construction of the project should begin in early May; however, the wetland permit from the U.S. Army Corp of Engineers is still being processed in St. Paul at this time.

The December TEP meeting had been cancelled so the wetland permitting process was delayed to the January meeting which in return delayed the project another 30 days. The project engineer has been in daily contact with the local Corp of Engineers office regarding this issue. Permits have been taking up to 90 days to process in the St. Paul office so the permit process should be nearing completion at the end of April. The project Engineer cannot issue the notice to proceed to the Contractor until the permit is obtained.

2015 EXCELSIOR ROAD IMPROVEMENTS SEH, INC. FEE INCREASE REQUEST

SEH Consulting Engineer Hedlund reviewed the fee increase request for the 2015 Excelsior Road Improvements Project. The following request was submitted into the record:

SEH is under contract for the 2015 Excelsior Road Improvements project. The Excelsior Road project bids were opened in February, the final assessment hearing is scheduled for later in March, and construction is planned to start in May depending on when the USAGE wetland permit is secured. During the design process last fall, certain parts of the scope changed, with the most significant change related to the contemplated regional storm water pond to be located on the former golf course property (regional pond). These scope changes have been discussed at past council work sessions and listed in the monthly project status update memos to the City.

SEH's contract for the project includes final design through construction services. The scope was based on the scope in 5-year capital improvement plan estimate and exhibits completed in 2013; plus street lighting between Cypress Drive and the east city limits, pedestrian signal by the arboretum, and trail improvements along Conservation Drive that were added in the spring/summer of 2014 during council working sessions; and discussions with staff. During final design of Excelsior Road in fall 2014 the City concurrently was completing a feasibility study for the regional pond with another consultant. That study included evaluation of the outlet route from the regional pond to the Mississippi River. The study identified some deficiencies in the portion of the existing outlet path traversing the Excelsior Road project limits that if left as is would reduce the effectiveness of the regional pond.

Thus, the City requested that SEH coordinate the Excelsior Road project stormwater design with the regional pond design. The result of the coordinated efforts was the recommendation to reconstruct and upsize the existing 12-inch low flow plastic discharge pipe system to 18-inch concrete pipe system {low flow bypass}, and make modifications to the existing storm pond by the arboretum (east pond). The resulting construction scope included adding approximately 2,000 LF of 18-inch storm sewer, 13 storm structures, and pond grading and outlet modifications to the east pond that wasn't in the original scope. These improvements resulted in additional final design time (already completed) and wetland permitting (work in process), and will result in additional construction administration, observation and staking time.

Other project scope changes included sanitary sewer work by Lift Station No. 2 consisting of adding two manholes and connector pipe; modifications to the existing pedestrian flasher system by Fleet Farm; and the feasibility report scope expanded from less than 10 parcels getting a mill and overlay assessment to the entire project and 40 parcels getting mill and overlay and or full depth reclamation assessments. In the original scope it was assumed the feasibility report would be a 1 – 2 page memo report for parcels along Conservation Drive and Excelsior Road east of Baxter Drive only, but what was required was a full feasibility report for all elements of the project, detailed costs splits, and assessment calculations. Lastly, the original quote from construction testing sub consultant Braun Intertec was also updated recently based on the as-bid construction items and state aid testing requirements; that cost increase is summarized below.

On the flip side, there have been two work tasks with decreased project scope. For the right of way appraisals task, there were four less appraisals needed. For the Jackson Street mill and overlay task, due

to budget issues the City of Brainerd ended up not being able include their Jackson Street mill and overlay project with the Excelsior Road project.

The resulting proposed total not to exceed fee increase is summarized in the following table:

	Original Fee	Amended Fee	Increase {Decrease}
Task 1: Project	\$23,583.08	\$23,583.08	\$0
Management			
Task 2: Design	\$59,036.57	\$67,770.57	\$8,734.00
Task 3: Right of Way	\$14,458.17	\$14,458.17	\$0
Task 4: Appraisals	\$9,900.00	\$5,500.00	(\$4,400.00)
Task 5: Permits	\$5,290.32	\$13,260.32	\$7,970.00
Task 6: Bidding	\$2,073.57	\$2,073.57	\$0
Task 7: Construction Administration	\$28,763.70	\$34,363.70	\$5,600.00
Task 8: Construction Observation (RPR)	\$73,427.80	\$95,799.80	\$22,372.00
Task 9: Construction Staking	\$19,028.11	\$23,648.11	\$4,620.00
Task 10: Construction Testing	\$36,751.00	\$37,169.00	\$418.00
Task 11: Conservation Drive Mill & Overlay	\$7,310.50	\$9,834.68	\$2,524.18
Task 12: Jackson Street Mill & Overlay	\$4,683.18	\$0	{\$4,683.18}
Totals	\$284,306.00	\$327,461.00	\$43,155.00

Commissioner Crochet inquired if the fee amendment for \$43,155.00 would change the total not to exceed cost of \$327,461.00 for the entire project and Mr. Hedlund stated the not to exceed total project cost of \$327,461.00 includes the additional \$43,155.00.

Chairman Yliniemi expressed his concern on the engineering liability coverage. Council Liaison Cross stated the City Council is aware of those concerns and this matter will be addressed in a future meeting.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to recommend City Council approve the SEH, Inc. Fee Amendment for the 2015 Excelsior Road Improvement Project in the additional amount of \$43,155.00 for a total contract not to exceed amount of \$327,461.00. Motion carried unanimously.

EXCELSIOR ROAD IMPROVEMENTS – SEH, INC. MONTHLY STATUS UPDATE
SEH Consulting Engineer Hedlund gave a brief review of the monthly status update for the 2015
Excelsior Road Improvements Project.

2015 MILL AND OVERLAY PROJECT – SEH, INC. ENGINEERING CONTRACT AMENDMENT

SEH Consulting Engineer Hedlund gave a brief review of the engineering contract amendment that was discussed at the Tuesdays, April 7th City Council and Utilities Commission joint meeting.

A decision was made at the joint meeting to do ground penetrating radar soils investigation to determine pavement and gravel thickness. This process would allow for a continuous reading and is more cost effective.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to recommend City Council approve the SEH, Inc. Fee Amendment for the 2015 Mill and Overlay Project in the additional amount of \$14,250.00 for a total contract not to exceed amount of \$129,104. Motion carried unanimously.

2015 ISLE DRIVE EXTENSION PROJECT REVIEW OF BIDS

WSB Consulting Engineer Rickart explained that the 2015 Isle Drive Extension Improvements Project would not be awarded by City Council until May 21, 2015 but that date is before the next Utilities Commission meeting therefore the review of bids is before the commission tonight for their review and recommendation.

Pursuant to the authority of the City Council and after proper legal advertisement, bids for the 2015 Isle Drive Extension Improvements Project were obtained at 11:00 A.M., in the Baxter City Hall on Friday, March 27, 2015.

The following five (5) bids were received:

Anderson Brothers Construction Company	\$4,514,204.25
Douglas-Kerr Underground	\$4,397,721.23
JR Ferche, Inc.	\$5,847,259.15
Kuechle Underground, Inc.	\$4,540,860.44
RL Larson Excavating Inc.	\$4,395,409.26
Engineer's Estimate	\$5,487,953.20

City Consulting Engineer Rickart is recommending the 2015 Isle Drive Extension Improvements Project bid be awarded to RL Larson Excavating, Inc. in the amount of \$4,395,409.26. Rickart explained that a permit from the U.S. Army Corp of Engineers will be required and that permit is underway; however, the project will not be held up since the contractor can work around the impacted areas until the permit is obtained.

Commissioner Crochet inquired if the firm had done any previous work for the City. The contractor had done the 2004 Meredith, Norway, Lancer Improvements Project. Public Works Director/City Engineer Walter stated that the contractor had also assisted with setting up temporary water connections for a situation that occurred on Fox Drive.

MOTION by Commissioner Crochet, seconded by Council Liaison Moser to recommend City Council adopt a resolution awarding the 2015 Isle Drive Extension Improvements Project to RL Larson Excavating, Inc. in the amount of \$4,395,409.26. Motion carried unanimously.

QUALITY FLOW SYSTEMS QUOTE FOR LIFT STATION NO. 23 PROJECT

WSN Consulting Engineer Welch reviewed the Quality Flow Systems quote for the pumps, panels and necessary components for Lift Station No. 23 for the 2015 Isle drive Extension Improvements Project. He informed the commission that this is a proprietary system that is used on all current 22 lift stations which is why only one quote is being submitted to the commission for approval. Public Works Director/City Engineer Walter stated that the cost for the lift station is included in the total project cost.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to recommend City Council approve the Quality Flow Systems quote for the Lift Station No. 23 for the 2015 Isle drive Extension Improvements Project in the lump sum amount of \$52,400.00. Motion carried unanimously.

<u>DELLWOOD DRIVE AND NOVOTNY ROAD ASSESSMENT METHODOLOGY – WSN MEMO</u>

WSN Consulting Engineer Welch reviewed the completed preliminary analysis of alternative assessment methods as allowed by the "City of Baxter Assessment Policy for Public Initiated Improvements" as per direction received at the March 17, 2015 City Council workshop.

The two alternative methods investigated included the area assessment method and a combination of front footage and area assessment method.

<u>DELLWOOD DRIVE AND NOVOTNY ROAD IMPROVEMENTS PROPOSAL</u> ADMENDMENT

WSN Consulting Engineer Welch reviewed the proposal for a fee amendment for the 2015 Dellwood Drive and Novotny Road Improvements Project. The following proposal was submitted into the record:

Dear Mr. Walter:

We are currently under contract with the City of Baxter for design services related to improvements to Dellwood Drive and Novotny Road. Our existing agreement for the "Not to Exceed" amount of \$93,505 was dated June 23, 2014, and was approved and signed by the City on July 15, 2014.

Recent changes in project scope have resulted in requests for additional services. Please consider this proposal as an amendment to our original proposal, adding the following tasks:

Review of Alternate Assessment Methods

Not To Exceed Amount ... \$1.500

On March 5, 2015 we assisted the City at a public improvement hearing where details of the project and estimated assessments were presented. City staff then notified us that some property owners felt

the "per lineal foot" assessment estimates presented were not equitable. In response to those concerns, City staff requested we review the assessments presented and consider alternate assessment methods to see if a more equitable assessment methodology was available. The Council discussed this approach at the March 17, 2015 workshop and consensus was to move forward with consideration of alternate assessment methods.

WSN will apply alternate assessment methods, as allowed by the current City Assessment Policy, to the estimated project costs to determine if a more equitable assessment split can be utilized. Combinations of methods may also be considered as part of the analysis. Once we have applied the alternate methods, we will review results with City staff and Council.

If the Council selects an alternative assessment method, WSN will update the previously prepared feasibility report and incorporate the new assessment methodology and results. The revised study will then be submitted for formal Council review and approval.

If the assessment methodology changes, a new public improvement hearing will be required. We will attend this hearing and present results of the updated study to interested parties. We will also assist the City in answering any questions at the hearing.

Dellwood Drive Bypass Lane

Not To Exceed Amount ... \$5,950

Crow Wing County has received a Local Road Improvement Program (LRIP) grant for the reconstruction of Dellwood Drive from Novotny Road to CSAH 49. The County has expressed interest in adding a northbound bypass lane on Dellwood Drive at the intersection with Novotny Road, the south half of which would be located in the City project area. It is our understanding the County project will not likely be constructed until 2016. Since the City project is scheduled for construction in 2015, it makes sense to include the construction of the south half of the bypass lane with the City project.

If requested by the County, WSN will add the south half of the bypass lane to the City project. WSN will work with Crow Wing County on the design and incorporate the required modifications to the existing plan set. WSN will also assist with the acquisition of additional right-of-way. Specific tasks associated with this additional work include:

- Coordination of bypass lane design with Crow Wing County.
- Modification of the existing plan set including a detailed breakdown of the bypass lane quantities
- Coordination of additional right-of-way acquisition with Crow Wing County
- Sketches and descriptions of additional right-of-way acquisitions
- Staking of additional right-of-way acquisitions

Presentation of the right-of-way documents to affected property owners

WSN proposes to perform the services described above on an hourly basis in accordance with the attached fee schedule for the "Not to Exceed" amount of \$7,450. The total agreement will then be increased to a "Not to Exceed" amount of \$100,955.

We propose to have our initial review of the Dellwood/Novotny assessment methodology completed by the first regularly scheduled Council meeting in April. To accomplish this schedule, work was started immediately following the March 17, 2015 workshop at the direction of the City Council.

Work on the bypass lane will not start until City staff has met with Crow Wing County to work out the details of the bypass lane design and cost share. Upon receipt of the notice to proceed with this portion of the work, plan modifications will be completed within 14 days.

We realize this is an important project to the City and welcome the opportunity to sit down with you and your staff to go over this proposal and review the approach and work tasks we have listed. If necessary, we will revise the proposal to better conform to the needs of the City for this project.

We thank you for giving us the opportunity to submit this proposal and look forward to working with City staff to make this proposed project a reality.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to recommend City Council approve the WSN Dellwood Drive and Novotny Road Improvements Proposal Amendment in the additional amount of \$7,450 for a total contract not to exceed amount of \$100,955. Motion carried unanimously.

BOLTON & MENK PROPOSAL FOR ENGINEERING SERVICES FOR PAVEMENT MANAGEMENT PROGRAM DEVELOPMENT

Public Works Director/City Engineer Walter reviewed the Bolton & Menk Engineering Proposal for the Pavement Management Program and submitted the proposal into the record:

Dear Mr. Walter,

We understand that the City of Baxter would like to update their current pavement database to reflect 2013 - 2015 street improvement and sealcoat projects. We further understand the City would like to consider a pavement management program consisting of seven zones within the City utilizing a seven year sealcoat cycle.

<u>Scope of Services</u>: Based on our understanding and familiarity with the Comprehensive Pavement Management System developed by Bolton & Menk, Inc. for Baxter during 2013, we propose to provide the following services:

- Update the Pavement Evaluation (database) to reflect street improvement and sealcoat projects performed through 2015. This utilizes past PASER evaluations; new evaluations are not included in this effort.
 - Deliverable Updated Pavement Evaluation database
- 2. Reorganize the database into seven zones (areas) in the City to create a long term street Capital Improvement Plan (CIP) based on a seven zone (sealcoat cycle) pavement management program. The CIP will include proposed sealcoat, rehabilitation, and reconstruction projects, estimated project costs, and associated maps showing projects in each zone.
 - Deliverables Long term CIP and 14 zone project maps (1 for sealcoats and 1 for improvement projects for each zone)
- 3. Create a Pavement Management Program document, based on the above documents, which the City could adopt to formalize pavement management in the City.
 - Deliverable Document describing details associated with a seven zone Pavement Management Program

<u>City Obligations</u>: To complete this work, Bolton & Menk Inc. will need the City to:

- 1. Provide a list and maps identifying street improvement projects constructed in 2013 and 2014
- 2. Provide a list and maps identifying future planned street improvement projects
- 3. Provide comments/ input on the seven proposed zones and associated CIP
- 4. Provide comments/ input on the Pavement Management Program document

To provide the above services, meetings will be held with City staff as needed. However, it is felt that most, if not all, of this work can be facilitated via telephone or email communications. Finally, it is understood that Bolton & Menk Inc. may be requested to present and explain this proposed seven zone program and associated documents to the Utilities Commission and the City Council.

Public Works Director/City Engineer Walter stated the overall goal is to have a Capital Improvement Plan map with a 7-year rotation for chip sealing. The map would then be placed on the City website so all Baxter residents will know when chip sealing will be completed in their neighborhood. This will also eliminate the annual detailed discussions between Council and Staff in order to pick the streets each year. A good solid plan will be good for residents, Council and staff.

Chairman Yliniemi inquired on the status of Franchise Fees since the commission felt that this would help offset the cost of annual chip sealing and seal coating. Council Liaison Cross informed the commission that no progress has been made on the franchise fees at this time; however, the City Council has committed to moving forward with these fees in order to fund chip sealing and seal coating.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to recommend City Council approve the Bolton & Menk Proposal for Engineering Services for Pavement Management Program Development CIP in the Not to Exceed Amount of \$14,500.00. Motion carried unanimously.

PRELIMINARY AND FINAL PLAT OF ALDI FIRST ADDITION

Public Works Director/City Engineer Walter reviewed the preliminary and final plat for Aldi First Addition. It was noted on the plat that there was 7-feet of dedicated right-of-way on Dellwood Drive which has not required on previous plats which included Bremer Bank, Radco, Kentucky Fried Chicken and Days Inn (formerly American Inn).

City Subdivision Ordinance 11-4-2 for streets right of way states the following: In the sole discretion of the city, a reduction in right-of-way may be granted if the proposed development abuts existing development with less right-of-way or if it is a replat of a previously platted development.

The current frontage road right of way on Dellwood Drive south of Clearwater Road is 50 feet. The current right of way on Dellwood Drive from Clearwater Road to Woida Road is 66 feet. The commission felt that because of previous plats on Dellwood Drive and the fact that the right of way is already 66 feet that no additional right-of-way was needed on Dellwood Drive for either lot one or Outlot A.

The commission felt that additional right-of-way was needed on Golf Course Drive for possible future multi-modal trails and/or sidewalks, possible turn lane expansion of the curb and gutter and future area needed for additional private utilities.

It was noted by Council Liaison Cross that the future trail connection between the Paul Bunyan Trail and TH 371 is the Clearwater Road corridor, therefore connecting multi-modal trails from the proposed Mills Outlot A on Golf Course Drive to the Clearwater Road trail may be needed in the future requiring the additional right-of-way.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to advise the Planning & Zoning Commission that the Utilities Commission has no concerns with the Aldi First Addition Plat contingent on the following:

- 1. Waive the dedicated additional 7-feet of right-of-way on Dellwood Drive on both Lot One and Outlot A as per City Ordinance No. 11-4-2.
- 2. Require the additional 7-feet of right-of-way on Golf Course Drive on Outlot A.
- 3. Require a 30-Foot dedicated utility easement over the sanitary sewer and water lines be dedicated on the plat.
- 4. Require a signed Development Agreement before the City issues a building permit. Motion carried unanimously.

ALDI, INC. SITE PLAN, GRADING, STORMWATER PREVENTION PLAN, UTILITIES AND EROSION CONTROL PLANS

The commission reviewed the Aldi site, grading, utilities, stormwater prevention plan and erosion control plans for the proposed store to be located on Dellwood Drive. Public Works Director/City Engineer Walter had no concerns with the plans and specifications and recommended approval.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to approve the Aldi, Inc. Site, Grading, Stormwater Prevention Plan, Utilities and Erosion Control Plans contingent on a signed Development Agreement before a building permit is issued. Motion carried unanimously.

ALDI, INC. STORMWATER CALCULATIONS

Public Works Director/City Engineer Walter informed the commission that Engineering Technician Doug Schultz has not received any comments back from the Developer regarding the required 3-foot separation from the 100-year storm elevation as per City Ordinance 9-1-5. Other than the ground water separation the Public Works Director/City Engineer Walter had no concerns with the plans and specifications and recommended approval.

MOTION by Council Liaison Cross, seconded by Commissioner Crochet to approve the Aldi, Inc. Stormwater Calculations contingent on the required 3-foot separation from the bottom of the pond to the top of the ground water as required by the MPCA NPDES Permit. Motion carried unanimously.

EXIT LAKES REALTY OFFICE BUILDING SITE, GRADING UTILITIES AND EROSION CONTROL PLANS

The commission reviewed the Exit Lakes Realty site, grading, utilities and erosion control plans for the proposed office building site to be located on Forthun Road. Public Works Director/City Engineer Walter had no concerns with the plans and specifications and recommended approval.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to approve the Exit Lakes Realty Office Building Site, Grading, Utilities and Erosion Control Plans contingent on a signed Development Agreement before the City issues a building permit. Motion carried unanimously.

EXIT LAKES REALTY OFFICE BUILDING STORMWATER CALCULATIONS

Public Works Director/City Engineer Walter reviewed the Exit Lakes Realty stormwater calculations with the commission. The commission had no concerns with the 100-year stormwater design or allowing the pond to overflow into the City's regional stormwater pond. Public Works Director/City Engineer Walter had no concerns with the 100-year stormwater design and recommended approval.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to approve the 100-Year Stormwater design and allow the pond to overflow into the City's regional stormwater pond. Motion carried unanimously.

EXIT LAKES REALTY DEVELOPMENT AGREEMENT

The commission reviewed the Exit Lakes Realty Development Agreement. Public Works Director /City Engineer Walter stated this is the standard development agreement used for all development projects and recommended approval.

A brief discussion was held on traffic control and a detour that would be needed during construction. The commission felt a traffic control plan should be submitted to the City because of the detour on Forthun Road in order to set up dewatering and connect to the water and sanitary sewer. This work will take several days and is not just the typical day closure like other construction sites.

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to recommend City Council approve the Exit Lakes Realty Development Agreement contingent on submission of a traffic control and detour plan. Motion carried unanimously.

QUALITY FLOW SYSTEM QUOTE FOR LIFT STATION NO. 7 REHABILITATION PROJECT

WSN Consulting Engineer Welch reviewed the Quality Flow System quote for the pumps, panels and necessary components for the Lift Station No 7 rehabilitation project. He informed the commission this is a proprietary system used on all current 22 lift stations and that is why only one quote is being submitted to the commission for consideration.

The Lift Station No. 7 Rehabilitation Project is being funded with SAC Funds and has a 2015 total budget amount of \$136,000.00.

MOTION by Council Liaison Cross, seconded by Commissioner Crochet to recommend City Council approve the Quality Flow Systems quote for the Lift Station No. 7 Rehabilitation Project in the lump sum amount of \$50,530.00. Motion carried unanimously.

2015 MNDOT STATE ROAD CONSTRUCTION PROGRAM

The 2015 MnDOT State Road Construction Program was provided to the commission as information only. Public Works Director/City Engineer Walter stated that construction at the intersection of Trunk Highway 210 & 371 should begin in mid to late April and be completed by early June.

Benefits to this project include the lengthening of the north bound TH 371 right and left turn lanes and adding dual left turn lanes on both east and west bound TH 210. Nothing is being added or changed on south bound TH 371 turn lanes.

WASTEWATER TREATMENT PLANT CHARGES FOR MARCH 2015

The wastewater treatment plant charges for March 2015 were provided to the commission as information only.

ADJOURNMENT

MOTION by Commissioner Crochet, seconded by Council Liaison Cross to adjourn the meeting at 6:30 p.m. Motion carried unanimously.

Approved by:	Submitted by,	
Rock Yliniemi	Mary Haugen	
Chairman	Administrative Assistant	